

5

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE CARDELLO-SMITH,
Plaintiff,

Vs
SEAN COMBS,
Defendant,

Case No 24-12647
Honorable Judith E. Levy

FILED
MAR 17 2025

CLERK'S OFFICE
DETROIT

**NOTICE OF APPEAL
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

PLEASE TAKE NOTICE, that the Plaintiff, Derrick Lee Cardello-Smith, hereby Presents this Notice of Appeal to the Clerk of the District Court to formally notify the Clerk that the Plaintiffs Seeks to File An Appeal of the District Courts Decisions Granting Dismissal of the Case with Prejudice On the Statute of Limitations and Presents the following grounds for the Appeal being taken:

1 The Plaintiff has a Constitutional Right to Appeal this District Courts Decision to the United States Court of Appeals for the Sixth Circuit.

2 The Decision of the District Court to Dismiss the Case With Prejudice is Clearly Erroneous and an Abuse of the District Courts Discretion

3 The Plaintiff presented more then a Scintilla of Evidence showing that the Statute of Limitations Was required to be Tolloed by the Court based on the Threats upon the Plaintiff Plaintiffs Family. Plaintiffs Friends by the Defendant and defendants Associates.

4. Plaintiff has since been provided with New Proof of Fraudulent Concealment Conducted by the Defendant through the Detroit Police Department, Wayne County Prosecutors Office and Most Assuredly, the Affidavits of the Assistant Wayne County Prosecutor Suzette Samuels verifying the Fraudulent Concealment requiring the Court Waive the Statute of Limitations.

5 Plaintiffs Submits Affidavits verifying that the Defendant worked and ordered her and her associates to Conceal the Evidence of the Crime being committed against this Plaintiff pertaining to the Sexual Assault of the Plaintiff by the Defendant and even more horrific actions done to conceal the truth.

7 Plaintiff will also be submitting a Rule 60 be Motion through this filing for Full Decision by the Trial Court based on the evidence and factors contained within it in the interest of the District Court fully deciding all the factual motions and evidence that this Plaintiff is presenting prior to the Court of Appeals Obtaining Full Jurisdiction over the Case.

As such, plaintiff requests that this Court and the Office of the

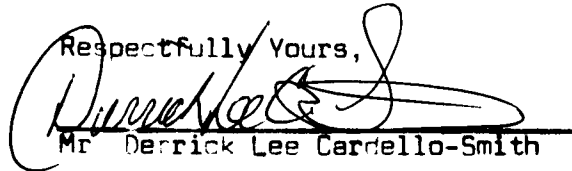
Clerk Begin the Appeal Process in this Matter as allowed by the Federal Rules of Appellate Procedure.

PROOF OF SERVICE

On March 11, 2025, I mailed one copy of this Appeal to the Defendants Attorney of Record David Fink to his Address of Record by US Postal Service.

Thank you for your time in this matter.

Respectfully Yours,

A handwritten signature in black ink, appearing to read "Derrick Lee Cardello-Smith", written over a horizontal line.

Mr. Derrick Lee Cardello-Smith

AFFIDAVIT

State of Michigan)

)ss

County of Wayne)

My name is Nicole Rabor, I am the Officer who authored the Police Report in the City of Detroit on January 13, 2008 against Derrick Lee Cardello-Smith Current Prisoner with the Michigan Department of Corrections obtained through a Conviction that was a result of my Investigator's Report and I state the following information and facts herein are true, accurate and real and I have been deposed do swear and say:

1. The Police Report I submitted against Derrick Lee Cardello-Smith for Kidnapping and Sexual Assault of Tina Bommarito is False.

2. The Police Report I submitted against Derrick Lee Cardello-Smith for Kidnapping and Sexual Assault of Andrea Bommarito is False.

3. I was ordered to make the False Police Report against Mr. Cardello-Smith by the Persons of Sean John Combs (P. Diddy), Kym L. Worthy, Wayne County Prosecutor, Suzette Samuels, Assistant Wayne County Prosecutor, Jose Ortiz, Detective, Detroit Police Department.

4. I was also Paid a Total of \$132,000.00 Cash by Sean John Combs in to Issue the False Police Report of Kidnapping and Sexual Assault against the Person of Derrick Lee Cardello-Smith, #267009.

5. My Families Lives and my Life had been threatened by this Man and the only way to save them was to go through with the Police Report I filed in this case and even though I knew it was a betrayal of my badge and my oath as a police officer, I followed through with these actions as that I had no other choice.

6. My Commanding Officer on the Noth-Eastern District 5 had me go through with this action as I have done in many many other cases before and as I will also do and have to do continuously.

7. Derrick Cardello-Smith never Kidnapped anyone nor did he ever Sexually Assault anyone and he was the victim that evening.

8. The Arrest warrant was paid for by me and others directly to the Magistrate Judge of the 36th District Court in and he was paid a total of \$5,000.00 for signing the warrant as he has been in many many cases and as he works for Sean Combs, I was connected to him and forced to pay him and I paid him the money for these warrants that I knew were false and he knew were false and especially in Derrick's case, all charges were false.

9. I was present when Patricia Penman, Detective with Wayne County and Dearborn Police Department paid Mr. Vincent Smothers (Contract Killer and Hitman) Money to Kill Mr. Derrick Lee Cardello-Smith and when Mr. Vincent Smothers took the money to Kill David Cobbs Wife Rose Cobb the Day after Christmas, 2007.

10. I was present when Patricia Penman Paid Carli Carpenter, \$4,500.00 to Place False Rape Charges on Derrick Lee Cardello-Smith.

11. I lied under Oath to the Magistrate of the 36th District Court while present with Sgt. Ortiz to obtain the Arrest Warrent for Derrick Lee Cardello-Smith and I violated his Due Process Rights that he is afforded by the Constitution of the State of Michigan.

12. I also lied under Oath in the Wayne County Circuit Court in the Criminal Case of People v. Derrick Lee Cardello-Smith Case # 2008-008639-01-FC.

I make this affidavit freely, voluntarily and with full knowledge that I will have to testify to these facts and I will testify to them in a State or Federal Court, Civil of Criminal, Because my actions while working as a Police Officer have resulted in an innocent me being held illegally, and that man is Derrick Lee Cardello-Smith #267009.

/s/Attant- Mendel Roberts

Sworn to and subscribed before me, this the 5TH

of March 2025

Marcus Ashford
Notary Public

Wayne

County, Michigan

Marcus Ashford
Notary Public-State of Michigan

County of Wayne
My Commission Expires June 8, 2029.

Acting in the County of Wayne

Derrick Lee Cardello-Smith
#267009
Ionia Bellamy Creek Correctional Facility
1727 W. Bluewater Highway
Ionia, MI 48846

March 11, 2025

Clerk of the Court
United States District Court
Theodore Levin US Courthouse
231 W. Lafayette Blvd-Room 564
Detroit, MI 48226

Re: Derrick Lee Cardello-Smith v. Sean Combs
Case No 24-12647

Dear Clerk:

Enclosed for filing in the above cause are important documents for
the Court and Clerks Office to Process.

Thank you for your time in this matter.



Mr Derrick Lee Cardello-Smith

Mr. Derrick Lee Cardello-Smith

NAME: #267009
Number: Ionia Ballamy Creek Correctional Facility
Address: 1727 W Bluewater Highway
Address: Ionia, MI 48846

mailed on 3-11-25

GRAND RAPIDS MI 493

12 MAR 2025 PM 3 L

Office of the Clerk
United States District Court
Case Processing Section-Room 564
Theodore Levin US Courthouse
231 W. Lafayette Blvd
Detroit, MI 48226

RECEIVED
MAR 17 2025

CLERK'S OFFICE
U.S. DISTRICT COURT

48226-279426

